

IN THE CRIMINAL COURT  
OF MADISON COUNTY, TENNESSEE  
AT JACKSON, DIVISION I

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STATE OF TENNESSEE

VS.

No. 96-589

JON DOUGLAS HALL

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CLOSING ARGUMENTS

FEBRUARY 4, 1997

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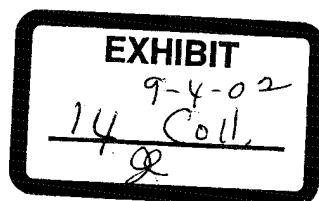
AMY MAYS

OFFICIAL COURT REPORTER

MADISON COUNTY CRIMINAL JUSTICE COMPLEX

JACKSON, TENNESSEE 38301

(731) 423-6039



ORIGINAL

APPEARANCES

Before the Honorable:

WHIT LAFON, Judge

For the State:

MR. JERRY WOODALL

MR. AL EARLS

District Attorney General's Office

Lowell Thomas State Office Building

Jackson, Tennessee 38301

For the Defendant:

MR. JESSE HILL FORD, III

MR. CLAYTON F. MAYO

Ford & Mayo

618 North Highland

Jackson, Tennessee 38301

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1 MR. WOODALL: Ladies and  
2 gentlemen of the jury, as you know from  
3 being on jury duty for several weeks,  
4 it's now time to make closing arguments  
5 in this case.

6 I'm going to say that  
7 irrespective of all the different  
8 witnesses that we heard over the past  
9 couple of days, it boils down very  
10 simply to, is this Defendant guilty of  
11 murder in the first degree. I think  
12 that's what we're talking about, and  
13 that's what we have to examine the proof  
14 with, to see if this is a deliberate  
15 premeditated murder or if it's some  
16 other form of homicide. I'd say to you  
17 that based upon the evidence and the law  
18 that will be given to you by the Court,  
19 that this was a deliberate premeditated  
20 murder showing intent on the part of the  
21 Defendant.

22 Now, we'll talk about the  
23 Judge's charge in a minute, but let's  
24 look at what shows premeditation, that

1 shows that this is a deliberate,  
2 thought-out, calculated act.

3 THE COURT: Move it back a  
4 little bit.

5 MR. WOODALL: I'm going to write  
6 on it.

7 THE COURT: Go right ahead.

8 MR. WOODALL: Thank you.

9 THE COURT: Yes, sir. That's  
10 all right.

11 MR. WOODALL: Number one, we've  
12 got to look at the people that came in  
13 contact with the Defendant, that he  
14 either told about what happened or were  
15 present and observed what happened.  
16 That's how we can determine whether or  
17 not this is a deliberate, premeditated,  
18 planned murder.

19 Now to start with, the Defendant  
20 goes out to that house, and what does he  
21 do? Unhooks the phone. Deliberate,  
22 premeditated, intentional. It's very  
23 obvious why the Defendant unhooked the  
24 telephone. He didn't want his wife to

1 be able to call out for help, ask for  
2 the police to come out there, because --  
3 and this is the second thing that shows  
4 premeditation, as he related to his  
5 buddy who was also in maximum security,  
6 that he was going to go out there and  
7 try to reconcile with his wife. First  
8 he unhooks the telephone. What does  
9 that tell you? That tells you he  
10 doesn't think the reconciliation's going  
11 to work, and if it doesn't work, he's  
12 going to do something about it, and he's  
13 going to make sure that she can't call  
14 anybody and get any help.

15 And what does he tell his  
16 friend? And this is the second thing  
17 that shows premeditation, intent and  
18 deliberation. He said that he went out  
19 there to reconcile, but if that didn't  
20 work out, what was he going to do? He'd  
21 made his mind up before he got out there  
22 and before he unhooked that telephone,  
23 the lifeline as it turned out for this  
24 woman. He unhooked the lifeline, but he

1 had in his mind, and he told his friend  
2 in prison that, "If the reconciliation  
3 doesn't work out, I want her to suffer  
4 like she had made me suffer." His  
5 mind's made up. Make her suffer. And  
6 these are deliberate, premeditated,  
7 intentional, willful acts, and acts that  
8 are committed with reflection and with  
9 cool purpose.

10 Now the Judge is going to  
11 instruct you at the appropriate time on  
12 premeditated killing. I think that  
13 he'll show you -- or tell you that  
14 premeditation means that the intent to  
15 kill must have been formed prior to the  
16 act itself. Cut off the lifeline. If  
17 she doesn't go along with the  
18 reconciliation, make her suffer.  
19 Deliberation, premeditation. The intent  
20 to kill was formed prior to the act  
21 itself.

22 The Court will also instruct you  
23 it is not necessary that the purpose to  
24 kill pre-exist in the mind of the

1 accused for any definite period of time.  
2 Now you said that you would look at  
3 those instructions and you'd look to the  
4 Court for the law and you'd follow those  
5 instructions. The Court's going to tell  
6 you it is not necessary, it is not  
7 necessary, that the purpose to kill pre-  
8 exist in the mind of the accused for any  
9 definite period of time. It is  
10 sufficient that it preceded the act,  
11 however short the interval, as long as  
12 it was the result of reflection and  
13 judgment. Went out there and the first  
14 thing that tells you he's reflecting, he  
15 has judgment, he unhooks the lifeline.  
16 He unhooks the lifeline. And we know  
17 what he tells those kids later on, don't  
18 we? And we'll get to that in just a  
19 minute, but that also shows reflection  
20 and premeditation and trying to keep the  
21 woman from the only other lifeline that  
22 she had available, and that was to have  
23 those kids go get help from the  
24 neighbors. It is sufficient that it

1 precede the act, however short the  
2 interval, as long as it was the result  
3 of reflection and judgment.

4           Now, I guess the defense team is  
5 going to argue to you, well he was just  
6 excited and he lost his emotions, and  
7 that's what they told you on opening  
8 statement, if you'll recall that. But  
9 now, the Court is going to charge you  
10 this. If the design to kill was formed  
11 with deliberation and premeditation,  
12 deliberation, premeditation, it is  
13 immaterial that the accused may have  
14 been in a state of passion or excitement  
15 when the design was carried into effect.  
16 Deliberation, reflection. If the design  
17 to kill was formed with deliberation and  
18 premeditation, it is immaterial that the  
19 accused may have been in a state of  
20 passion or excitement when the design  
21 was carried into effect.

22           Now let's look at the different  
23 interruptions and things that shows that  
24 this Defendant continued even after he

1 unhooked the phone, after he decided  
2 that he was going to make her suffer  
3 like he perceived that she had made him  
4 suffer.

5           What's the next thing that we've  
6 got? Then he went and knocked on the  
7 door. The children tell us that the  
8 mother told him that he couldn't come  
9 in. "You can't come in." What did the  
10 Defendant do? He forced his way into  
11 the house, a conscious decision, a  
12 conscious decision, and it is a design  
13 to kill formed with deliberation and  
14 premeditation. He had -- She knew -- He  
15 knew that she didn't want to  
16 reconcile. She didn't even want him  
17 in the house, and he forced his way in  
18 the house. Deliberation, premeditation,  
19 reflection.

20           Now what's the next thing he  
21 did? She wouldn't talk reconciliation.  
22 Everybody's in the living room. He  
23 knocked her out of the chair. Made the  
24 kids go to bed before he knocked her out

1 of the chair. And why did he make the  
2 kids go to bed? He didn't want any  
3 witnesses. Deliberation, reflection,  
4 contemplation, premeditation, intent.  
5 Kids go in the bedroom, Mama's knocked  
6 out of the chair. Mama is then taken  
7 into the bedroom, and the little girls  
8 hear beating and Mama crying out.

9           Now what's the next thing that  
10 we know that this Defendant showed  
11 reflection and cool purpose and  
12 premeditation and intent and  
13 deliberation? He puts stuff up next to  
14 the door to keep the little girls he  
15 thought from getting in the room.  
16 Barricaded door. Reflection,  
17 deliberation, premeditation, cool  
18 purpose. So, he's got the doors so the  
19 little girls can't get in. Can you  
20 imagine how those little girls were  
21 feeling and how scared they were? And  
22 what did they? Then went in there and  
23 they went to try to save their mama and  
24 said, "Daddy, don't hurt Mama anymore."

1 One of them even jumps on his back, and  
2 he slings her off, and the other little  
3 girl can't stop him from hitting Mama,  
4 and he's hitting her, and he's hitting  
5 her, and he's hitting her. One of them  
6 even tries to give her a little  
7 handkerchief or a napkin or something to  
8 wipe the blood off, and we know from  
9 looking at what Dr. Smith has told us,  
10 we've got at least 83 separate blows.

11 THE COURT: You'll have to take  
12 her outside, please.

13 MR. WOODALL: 83 separate blows.  
14 Deliberate, premeditated, conscious  
15 reflection, targeted. Now all 83 of  
16 these blows didn't occur in the bedroom,  
17 did they? No, they didn't.

18 MR. FORD: Your Honor, I can  
19 still hear this wailing out here.

20 THE COURT: Well I've asked him  
21 to take her out. I --

22 MR. FORD: I hate to interrupt  
23 the General.

24 THE COURT: Take her downstairs

1 or someplace.

2 MR. WOODALL: How many blows  
3 we've got in the bedroom, I don't know.  
4 But the little girls are in there and  
5 they're saying, "Daddy, Daddy, don't  
6 beat Mama anymore," and they tried to  
7 use the telephone, tried to use the  
8 telephone. Wouldn't work. Why wouldn't  
9 it work? Because the Defendant, knowing  
10 what he was going to do after he went  
11 out there if she didn't exceed to his  
12 will, set about his plan to deliberately  
13 and premeditatedly kill this girl and  
14 cut off her lifeline. Then the little  
15 girls said, "Let's go across the street  
16 to the neighbor's house," and if the  
17 Defendant said anything that night  
18 that's been borne out it was this,  
19 shows premeditation, reflection,  
20 deliberation. "If you go across the  
21 street and ask for help, I'll kill your  
22 mama. If you go across the street and  
23 go for help, I'm going to kill your  
24 mama." Even some testimony by the

1 little girls, "Yeah, go ahead, use the  
2 phone. It won't work. But if you cross  
3 the street and get help, I'm going to  
4 kill your mama," and he did. He did.  
5 One blow at a time.

6           Mama gets loose. Billie runs  
7 out through the house from the bedroom,  
8 over the barricade, through the living  
9 room and out that kitchen door and out  
10 on the driveway. Y'all heard the proof.  
11 I want to say he said it was 90 feet or  
12 something. I don't know. We don't know  
13 how many blows she'd gotten from there.  
14 What did he do? Got outside, got her in  
15 that driveway and inflicted some more  
16 blows, more blows.

17           Dr. Smith, you know, -- Look up  
18 here. It's 14 minutes 'til 4 right now  
19 by that clock. He said it took several  
20 minutes to 15 minutes to die probably,  
21 and that's probably about right, to his  
22 best medical opinion. 1, 2, 3, 4, 5, 6,  
23 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.  
24 17. That's all 17 is. Deliberation,

1 premeditation.

2 She gets away. She goes  
3 outside. I don't know where 18 --

4 THE COURT: General, go over  
5 there and knock over yonder, please,  
6 sir.

7 MR. WOODALL: Well ...

8 THE COURT: I don't object to  
9 you knocking, but go back over there if  
10 you will.

11 MR. WOODALL: The point of it  
12 is, it went on and on and on, and she  
13 got away, and he pursued her, and he  
14 continued to hit and hit and hit, 21,  
15 22, 23, 24. Well the little girl says  
16 she gets up and she gets a few more feet  
17 away, and then he hits her again, and he  
18 drags her over to the swimming pool.  
19 21, 22, 23, 24, 25. Can you imagine how  
20 long it was to her? You know, we've got  
21 25 blows there. We've got two or three  
22 minutes. This went on and on and on,  
23 and the pain increased, and she's  
24 hearing him say to the little girls, "If

1 you go get help, I'll kill you. I'll  
2 kill you."

3           Someone that had gone out there  
4 and already unhooked the lifeline, with  
5 his mind made up that, "I'll make her  
6 suffer like she's made me suffer," and  
7 then forced his way in the house,  
8 barricaded the room so the little girls  
9 couldn't come to her aid, and then he  
10 pursued her outside. Beat her. She got  
11 away. Pursued her. Beat her again and  
12 then drug her down to the pool. She's  
13 got more than 83 injuries probably  
14 because there was diffused bruising so  
15 bad from the number of blows inflicted,  
16 and the targeted areas, and she's trying  
17 to save herself and defend herself the  
18 best she can. She's got bruises and  
19 abrasions and beating all over her  
20 little body everywhere, head, back of  
21 head, top of head, broken nose,  
22 defensive wounds, hands, arms, back,  
23 crotch, legs, stomach. He's beat and  
24 beat and beat and beat, and she's trying

1 to get away. And the last little girl  
2 that testified said what was happening,  
3 about where she stopped and trying to  
4 get her breath and was drug to the  
5 swimming pool, that Mama was screaming  
6 and hollering and kicking, and he's  
7 steady dragging and beating, and he gets  
8 her to that pool, and he puts her in  
9 that pool, and she's still alive. Still  
10 alive. And he deliberately and  
11 premeditatedly chokes what life that was  
12 left in her out and left her face down  
13 in that pool, sucking that water into  
14 her lungs to end her life. Beat and  
15 beat and beat and beat. Several  
16 minutes, up to 15. Five minutes have  
17 gone by. It seems like an eternity.  
18 Billie Jo was just one-third of the way  
19 through dying. And those kids are  
20 crying, begging, "Show some mercy.  
21 Don't kill my Mama. Please don't kill  
22 my Mama."  
23 And that oldest child, what'd  
24 she do? You know, it's like she knew

1 that she was the mama because she gets  
2 that little three-year-old that can't  
3 walk, can't get away, can't go for help,  
4 'cause she can't walk, she has cerebral  
5 palsy, and she carries this child away.  
6 And this Defendant will have you believe  
7 how much he loves these children. Yeah,  
8 "Go for help, I'll kill your mama."  
9 Beat, beat, beat, beat. Deliberate,  
10 premeditated, willful. Presence of mind  
11 from the time he got there.

12 Now we have in the law something  
13 called voluntary intoxication. The  
14 Defendant would have you believe through  
15 his expert witness that he was  
16 intoxicated, and he was so intoxicated  
17 that he couldn't conform his conduct to  
18 the law and he couldn't form the intent  
19 to commit murder in the first degree.  
20 The Court will charge you on that at the  
21 proper time.

22 Now let me tell you, voluntary  
23 intoxication so that you can't form your  
24 conduct, can't form intent. Let me tell

1 you what that is. A fellow goes out on  
2 a night on the town, gets drunk. He  
3 knows he's going to be in trouble when  
4 he gets home. Knows he's going to be in  
5 trouble. And when he gets home, he gets  
6 his keys out and tries to open the door  
7 and the door won't open. He finally  
8 crawls through some window in the house  
9 and gets in the house, and all of a  
10 sudden the lights come on. It's a  
11 neighbor's house. He didn't even know  
12 which house he was in, where he is.  
13 That's when you're so intoxicated that  
14 you can't have the requisite intent to  
15 commit a felony or voluntary  
16 intoxication reduces it from first  
17 degree murder to second.

18 A man who unhooked the phone and  
19 made sure that she would suffer like he  
20 imagined and went there with the intent  
21 to do that, that she had made him  
22 suffer; forces his way into the house,  
23 barricades the door, pursues his wife.  
24 I mean, he tells the children, "If you

1 go for help, I'll kill your mama." He  
2 knew where he was, why he was there and  
3 what he was going to accomplish when he  
4 got there. And he went out there, and  
5 when she wouldn't reconcile or let  
6 him in the house, he'd already cut the  
7 lifeline to the police department, and  
8 he thought he could intimidate these  
9 kids in not extending the lifeline, and  
10 he told them he'd kill her if they went  
11 for help, and that's exactly what they  
12 did. They went for help. Oh, me.

13           The design to kill is formed  
14 with deliberation and premeditation,  
15 it's immaterial that the accused may be  
16 in a state of passion or excited when  
17 the design was carried into effect.

18           Ten minutes. She's still being  
19 beaten. Where are we now? Up to 55,  
20 60? She's got five minutes to live.  
21 She'd been outside. Said it could have  
22 gone up to two hours, but we know it  
23 didn't go up to two hours, but he beat  
24 and beat, targeted, deliberately,

1 premeditatedly, committed the offense of  
2 murder in the first degree.

3           And here's what the Court's  
4 going to tell you, that before you can  
5 find the Defendant guilty of  
6 premeditated murder or murder in the  
7 first degree, you've got to find that  
8 the Defendant unlawfully killed the  
9 victim. Two, that the Defendant acted  
10 intelligently. And a person acts  
11 intelligently with respect to the nature  
12 of the conduct or to the result of the  
13 conduct when it is the person's  
14 conscious objective or desire to engage  
15 in the conduct that caused the result,  
16 and that the killing was deliberate, one  
17 formed with a cool purpose and was  
18 premeditated after the exercise of  
19 reflection and judgment, the intent to  
20 kill being formed prior to the act  
21 itself. It's not necessary the purpose  
22 to kill pre-exist in the mind of the  
23 accused for any definite period of time.

24           You know, we don't have to have

1 a Mafia hit killing where you plan it  
2 all out and then assassinate somebody  
3 with a high-powered rifle from a  
4 distance away before it's premeditated.  
5 What we have here is the Defendant  
6 unlawfully killed his wife. He did it  
7 intentionally, he did it deliberately,  
8 he did it premeditated, he did it with  
9 reflection. He had several different  
10 opportunities to reflect on what he's  
11 doing throughout the entire chain of  
12 events. The proof is the Defendant  
13 deliberately, premeditatedly beat and  
14 beat and beat and beat and beat his  
15 wife. He drug her down to that pool.  
16 She's got one minute to live. Her 15  
17 minutes are almost up. I guess the only  
18 thing that she had left was that she  
19 knew that the little girls had gotten  
20 away and run across the street.  
21 And there's one other thing that  
22 shows that the Defendant knew what he  
23 was doing. He went back after he killed  
24 her, after he'd finally choked the life

1 out of her, her time is up, and he went  
2 back in the house, got the keys to her  
3 car --

4 THE DEFENDANT: I had my own  
5 damn keys.

6 MR. WOODALL: Your Honor, --

7 THE DEFENDANT: This is all a  
8 bunch of bullshit.

9 THE COURT: Mr. Ford, talk to  
10 him a minute there and tell him what I'm  
11 fixing to do.

12 THE DEFENDANT: Your Honor, my  
13 testimony could have been brought in.  
14 You're not trying to represent me.  
15 You're trying to hang me.

16 MR. WOODALL: Your Honor, could  
17 we remove him from the courtroom?

18 THE COURT: Let him talk to him.  
19 If he says another word that I can hear,  
20 I'm going to --

21 THE DEFENDANT: They're bringing  
22 in testimony --

23 THE COURT: Take him into my  
24 office, please.

1                   THE DEFENDANT:   Go ahead and  
2 railroad me.

3                   MR. WOODALL:   There's one more  
4 thing.   You know, us lawyers think we're  
5 so smart.   Well I got a wife that tells  
6 me that's not true.   But jurors think  
7 things out.   That's what you're there  
8 for.

9                   But there's one other major,  
10 major thing that tells us that this was  
11 done deliberately and premeditatedly and  
12 with reflection and cool purpose.   And  
13 what is that?   What is that?   "You will  
14 not graduate.   You will not be a  
15 graduate.   And why won't you be a  
16 graduate?   Because I'm getting ready to  
17 kill you."   "Your mama will never  
18 graduate from college."   And this  
19 Defendant, deliberately, premeditatedly,  
20 of his cool purpose, upon reflection,  
21 deliberately and premeditatedly killed  
22 Billie Hall.   And you said that you  
23 would render a verdict that truth  
24 dictates and justice demands, and that

1 is a verdict of guilty of murder in the  
2 first degree.

3 Thank you.

4 THE COURT: General, you used 30  
5 minutes.

6 All right, are you going to  
7 split your argument?

8 MR. FORD: Maybe reserve about  
9 five minutes, Your Honor.

10 THE COURT: All right, sir.

11 MR. MAYO: Ladies and gentlemen  
12 of the jury, that was powerful stuff.  
13 Mr. Woodall was very good. Mr. Hall is  
14 difficult. Y'all experienced that.  
15 Y'all have seen that now. But no matter  
16 how much we try, Mr. Woodall tries, to  
17 turn this into a first degree murder  
18 case, it just isn't. It's just not.  
19 It's not the truth. That's not how this  
20 occurred.

21 What happened is inexcusable.  
22 Inexcusable. There's no excuse for it.  
23 There's no legitimate explanation for  
24 what occurred out there. But Tennessee

1 has laws. That's why the laws include  
2 different degrees of murder and lesser  
3 included offenses. There's not just one  
4 charge, first degree murder and that's  
5 it. There's a reason for that. Our  
6 legislators made these laws up for us.  
7 We are bound to follow these laws, no  
8 matter how much we may dislike what Mr.  
9 Hall did. No matter how bad we hate  
10 what he did. No matter how bad we  
11 dislike him. No matter how sorry we  
12 feel for those children. There is not a  
13 person in this courtroom that almost  
14 didn't shed a tear when those children  
15 were testifying. But just because the  
16 children suffered, as bad as it may be,  
17 that is not a reason to find Mr. Hall  
18 guilty of first degree murder.

19 First degree murder has  
20 elements, and the elements of first  
21 degree murder, that I'll direct your  
22 attention to, are premeditation and  
23 deliberation.

24 Mr. Woodall referred to the

1 charge and told you about premeditation  
2 and that it can be formed in an instant,  
3 and he mentioned deliberation, cool  
4 purpose and cited a couple of examples  
5 from the conduct that could show perhaps  
6 a cool purpose. But if you look at all  
7 the evidence, Mr. Hall did not commit  
8 this act with a cool purpose after the  
9 exercise of reflection and judgment.  
10 We're not talking about someone who laid  
11 in await a hundred yards away, hired a  
12 killer, shot someone through the heart.  
13 That may be cleaner than what this was.  
14 It may not drive our passions as much as  
15 this did, but it's different.

16           What Mr. Woodall -- and I  
17 certainly don't intend to mean that he  
18 did this on purpose, but there are parts  
19 of this charge that I would ask you to  
20 read that explain a little bit better  
21 deliberation and premeditation.  
22 Premeditation, by this charge, is an act  
23 done after the exercise of reflection  
24 and judgment. It means that the intent

1 to kill must have been formed prior to  
2 the act itself. It also says that it's  
3 not necessary that the purpose to kill  
4 pre-exist in the mind of the accused for  
5 any definite period of time. But it  
6 goes on to state that the mental state  
7 of the accused at the time he allegedly  
8 decided to kill must be carefully  
9 considered in order to determine whether  
10 the accused was sufficiently free from  
11 excitement and passion as to be capable  
12 of premeditation.

13           The evidence in this case does  
14 not indicate that Mr. Hall was free from  
15 excitement and passion. To the  
16 contrary. Everything, every bit of the  
17 evidence that has come out shows us how  
18 excited he was, how passionate he was.  
19 We think of passionate most of the time  
20 in a positive context when we use that  
21 word, but here it's used in a negative  
22 context. Mr. Hall's passion rose to the  
23 level that most of our passion would  
24 never rise to.

1           It states also, furthermore,  
2 premeditation can be found, if the  
3 decision to kill is first formed during  
4 the heat of passion, but, the accused  
5 commits the act after the passion has  
6 subsided, after the passion has gone.  
7 The evidence in this case does not  
8 indicate that the passion subsided.

9           When we look at premeditation and  
10 cool deliberate purpose, I would point  
11 your attention to evidence that came in  
12 and was admitted in this trial. Mr.  
13 Hall had been drinking that day and was  
14 drinking that night, brought beer over  
15 to the house and popped a beer when he  
16 got inside the house. Once again,  
17 that's no excuse for what he did, and  
18 I'm not going to sit here and tell you  
19 it was. No weapon was used. No weapon  
20 was in the house.

21           You know, a premeditated act, if  
22 you're going to pull off a murder,  
23 premeditated and plan it, then surely  
24 you would intend to get away with it.

1 How in the world was Mr. Hall going to  
2 get away with this murder? What kind of  
3 plan was this? His children. He did  
4 this in front of his kids. I got kids.  
5 It tears me up to think about that. But  
6 it happened. I got a wife. Never do  
7 anything like this, but it happens. As  
8 terrible as it may be, it happens. But  
9 just because he did it in the presence  
10 of the children, is certainly no reason  
11 to believe that it was premeditated and  
12 that it was carried out with a cool,  
13 deliberate purpose, after exercising  
14 reflection and judgment. He loved his  
15 children. Now that night he certainly  
16 did not show it, but, he had taken care  
17 of his daughter who had cerebral palsy  
18 every day for two years, gave her  
19 breathing treatments. A man who loves  
20 his children, no matter how twisted his  
21 logic may be, would never go over and  
22 murder their mother in front of them on  
23 purpose.

24 He took a money order over there

1 for child support, a \$25 money order.  
2 The money order, it said, to Billie Jo  
3 Hall from Jon Hall. It was dated July  
4 29th, '94, the day this occurred. He  
5 left it at the house. How cool is that?  
6 What kind of judgment was that? He was  
7 excited. He was passionate. He was  
8 lost. He lost control. He did  
9 something that none of us would ever do  
10 and that we can't understand, but it  
11 doesn't mean that it's first degree  
12 murder. Maybe you think it should be,  
13 but the law of Tennessee does not say  
14 that it is, and we and you are bound to  
15 follow the law. You said you would, and  
16 we have faith that you will. And as  
17 much as we may want it be first degree,  
18 it just isn't. He was screaming. He  
19 was in a rage. Testimony came out about  
20 that. He left fingerprints there. He  
21 didn't wear any gloves. He had no plan  
22 of escape. He took off in the family  
23 van that would have been instantly  
24 recognized.

1           Dr. Zager testified that he was  
2 depressed and had an alcohol problem.  
3 Mr. Helms testified that he was  
4 significantly depressed. We're not just  
5 talking about depressed like we get  
6 sometimes when the weather's bad and  
7 things don't go our way. This is  
8 clinical depression. This is quite  
9 different. He had -- His intelligence  
10 was in the low/average range. He acts  
11 on emotions rather than cool, deliberate  
12 thought.

13           This argument is not a cop-out.  
14 This is an argument designed to have Mr.  
15 Hall convicted of what he did, not what  
16 the State wants you to believe he did.  
17 Those children were sympathetic, but  
18 just because they observed what  
19 occurred, Mr. Woodall said imagine what  
20 those little girls felt. Imagine what  
21 they felt, but that doesn't have  
22 anything to do with what Mr. Hall did.

23           He beat her to death with his  
24 fists. With his fists. And Mr.

1 Woodall's demonstration of that was very  
2 effective. It was horrible. As I say  
3 earlier, inexcusable. But what he did  
4 was not premeditated, planned out. Mr.  
5 Hall was a mechanic. If he had wanted  
6 to premeditate something, he could have  
7 set Mrs. Hall's car up, he could have  
8 cut her brake lines, he could have made  
9 her fuel line explode. He could have  
10 done a number of things. He could have  
11 designed a self-defense situation and  
12 taken a weapon over there, dropped it  
13 off, left it in the house and then  
14 killed her with a knife and then claimed  
15 self-defense. There was no defense to  
16 this. There is no defense to it.

17 Investigator Byrd stated from  
18 the very beginning of this case they  
19 knew who did it. There was no hiding  
20 this. They didn't even check for  
21 fingerprints. They didn't need to.  
22 Even anyone, I would submit someone,  
23 even perhaps a -- someone with a very  
24 low intelligence, even lower than Mr.

1 Hall's, even a child, could come up with  
2 a plan better than this. It wasn't  
3 cool. It wasn't cool at all.

4           What I would ask you to pay  
5 attention to as you read over the  
6 instructions are the elements of first  
7 degree murder. The elements of it have  
8 got to be proven beyond a reasonable  
9 doubt, each and every element of this  
10 case, each and every element.

11 Premeditation is one of those elements;  
12 deliberation is another one of those  
13 elements. We've explained and defined  
14 what those are. I'm sure you know what  
15 they are by now. You can read in this  
16 charge what they are. But if you read  
17 those elements and you use your common  
18 sense that you all have and you think  
19 about this from your common sense and  
20 experience -- I'm not talking about  
21 experience with something like this but  
22 what you know to be people's mental  
23 capacity and how people react in  
24 situations, certainly we can be

1 convinced beyond a reasonable doubt that  
2 the elements of this offense were  
3 proven.

4 Dr. Zager testified. She is an  
5 expert, and she testified that he was  
6 not capable of forming the necessary  
7 state of mind, the necessary elements of  
8 premeditation of first degree murder.  
9 That alone surely should be enough to  
10 cast doubt as to the elements of first  
11 degree murder, first degree murder. But  
12 when you think about all the other bits  
13 of evidence in this case, including, as  
14 I ran over them with you earlier, he was  
15 under the influence, he didn't have a  
16 weapon, witnesses were left, not only  
17 the children, of course he left the  
18 children, but there were other witnesses  
19 around. He left a money order out  
20 there. He left his fingerprints. He  
21 didn't wear any gloves. He didn't use a  
22 weapon. There was no way to get away  
23 with this. It's impossible to get away  
24 with this.

1           Use your common sense and  
2   experience and hold the State to the  
3   burden of proof on first degree murder  
4   of beyond a reasonable doubt, each and  
5   every element, and I believe that if you  
6   use your common sense and experience,  
7   you'll be convinced that he didn't do  
8   this with premeditation, and most  
9   importantly, with deliberation and cool  
10   purpose. The passion never subsided.

11           Thank you.

12           THE COURT: Mr. Ford. Mr. Mayo  
13   was fairly brief.

14           MR. FORD: Mr. Mayo did an  
15   excellent job, Your Honor, and I won't  
16   be long.

17           THE COURT: I'm not commenting  
18   on what kind of job he did, but I'm  
19   saying to you that he only used 25  
20   minutes, so you have more than five.

21           MR. FORD: Thank you, Your  
22   Honor.

23           THE COURT: You can tell the  
24   jury what you think about his argument

1 if you wish. That'd be your privilege.

2 MR. FORD: Thank you, Your  
3 Honor.

4 Ladies and gentlemen, it's been  
5 a long day. You've heard the arguments  
6 of counsel. You've been very patient in  
7 sitting through the individual voir  
8 dire. I think now you understand why we  
9 had to ask all those questions. Now you  
10 know we're at the end of the case. I  
11 want to thank you on behalf of the  
12 defense team for your patience here  
13 today. This is our last opportunity to  
14 speak to you. I want to point out one  
15 thing.

16 When the State of Tennessee has  
17 to bring in someone who's a mole from  
18 the penitentiary to make a case, that  
19 pretty much tells you, you know, in a  
20 first degree murder case, they're in  
21 trouble. Of all the witnesses out  
22 there, they hang their hat on a fellow  
23 in prison garb from the pen to come in  
24 here and show this is a premeditated

1 first degree murder case.

2 Now what did he say? He said  
3 Jon Hall had been drinking all day. I  
4 asked him what did he want to do. He  
5 wanted to try to reconcile with his  
6 family. Did he take a money order? He  
7 took money out there. He wanted to make  
8 a child support payment, take money out  
9 there and reconcile with his family.  
10 That's what he wanted to do. That was  
11 his intent. Things got out of control,  
12 and here we are.

13 Mr. Mayo is absolutely correct.  
14 The passion never subsided, never  
15 subsided. The passion has still not  
16 subsided in Mr. Hall because he has to  
17 live with this every day. He destroyed  
18 his family, his wife. He has to live  
19 with it every day. The passion has  
20 never subsided.

21 Thank you.

22 THE COURT: General.

23 MR. WOODALL: Ladies and  
24 gentlemen, don't get caught up on the

1 passion never subsided. Look at those  
2 instructions. The instructions that the  
3 Court will give you is, the design to  
4 kill was formed with deliberation and  
5 premeditation. It's immaterial,  
6 immaterial, that the accused may have  
7 been in a state of passion or excitement  
8 when the design was carried into effect,  
9 and the sentence that they key on is  
10 just another option. It's not -- It  
11 just says, furthermore, premeditation  
12 can be found, another way you can find  
13 premeditation, if the decision to kill  
14 is first formed during the heat of  
15 passion but the accused commits the act  
16 after the passion has subsided.

17           So, you know, they say we're in  
18 trouble because we bring someone in from  
19 the penitentiary. Well, for right now  
20 just strike out number two. Was the  
21 phone unhooked? You betcha it was  
22 unhooked. Did he force his way in the  
23 house? Uncontroverted. You bet he did.  
24 Did he barricade the door? Absolutely.

1 Did he pursue this woman? Yes. And did  
2 he tell the kids that, "Your mama will  
3 never graduate?" That tells you that he  
4 made the decision to go ahead and kill  
5 her right then. And then he told them,  
6 "Cross the street and go get some help,  
7 I'll kill your mama. I'll kill your  
8 mama in front of you kids." Yeah.

9           Get caught up on this drinking  
10 all day. I asked the good Dr. Zager.  
11 She said, "Well now, we're just talking  
12 about the fact that he has a drinking  
13 problem," and you have to have one or  
14 more of the following signs developing  
15 during or shortly after this use of  
16 alcohol. Slurred speech? She said,  
17 "Well, uh, uh, don't recall that." This  
18 is a woman that's reviewed all these  
19 statements. "Uh, don't recall that,"  
20 said the good doctor. Incoordination?  
21 "Don't recall that." These 83 blows  
22 don't show any incoordination, do they?  
23 This pursuing doesn't show any  
24 incoordination, does it? This throwing

1 her in the pool doesn't show any  
2 incoordination, does it? Another one of  
3 the following signs, unsteady gait.  
4 Doctor doesn't recall that. Any  
5 problems with nystagmus recognition?  
6 "Don't recall that." What about  
7 impairment in intention or memory?  
8 "Don't recall that." What about stupor  
9 or coma, another element? "Don't recall  
10 that."

11 This Defendant is just simply  
12 trying to escape the responsibility for  
13 his own conduct. He's simply trying to  
14 escape his own conduct. One who went  
15 out there -- And they talk about the  
16 money order. The money order. That was  
17 his key to the house, he thought. For  
18 25 pieces of silver he was going to get  
19 entry into the house, and when that  
20 didn't work, he forced his way in.

21 And then the defense would have  
22 you believe this can't be deliberate and  
23 premeditated because it wasn't a good  
24 plan, because he got caught? You know,

1   you would -- what does it have to -- the  
2   only way it can be first degree murder  
3   is when it's a killing of Hoffa whose  
4   body has never been recovered and nobody  
5   charged? Well of course not. I can't  
6   help it he got caught. But he went out  
7   there knowing that he was going to get  
8   in the house with that check, that he  
9   was going to get in there, and if she  
10   didn't do what he wanted, make her  
11   suffer like she'd made him suffer, and  
12   so she couldn't call the police, he  
13   unhooked the phone, and when she  
14   wouldn't do what he wanted, he started  
15   to beat on her, one blow at a time,  
16   deliberately, premeditatedly.  
17   Barricades the door so that the little  
18   kids, the only remaining lifeline, can't  
19   even get in there, and they scratch  
20   their way in there and try to help their  
21   mom, and he tells them, "She'll never  
22   graduate. If you girls go across the  
23   street, I'll kill your mama."  
24                   And she gets away from him and

1 gets outside. He pursues her.

2 Deliberation, premeditation. And he  
3 continues to beat and beat and beat and  
4 beat.

5           He may not be the smartest  
6 criminal in the world, but we don't have  
7 anything in the instructions that the  
8 Court will give you that says because he  
9 was dumb enough to get caught, he ought  
10 to be acquitted, or found guilty of a  
11 lesser included offense. What we've got  
12 to look at is the facts and the proof  
13 and the evidence that demonstrated that  
14 he had the premeditation and the  
15 deliberation and the reflection and the  
16 cool purpose. And it's here. He  
17 unhooked the phone. Made his mind up  
18 that if she didn't do what he wanted, he  
19 was going to make her suffer. Forced  
20 his way into the house. Made the kids  
21 go to bed. Took her into the bedroom  
22 and barricaded the door. The kids come  
23 in, tells them, if they go for help --  
24 "Use the phone. Yeah, use the phone."

1 "If you go for help, I'm going to kill  
2 her."

3 The Defendant, based upon the  
4 proof that's been presented, is guilty  
5 of murder in the first degree, and  
6 that's what the jury should return,  
7 guilty of murder in the first degree.

8 Thank you.

9 \* \* \* \* \*

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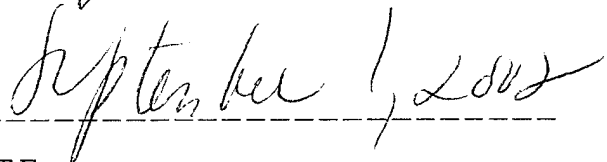
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CERTIFICATE

I, the undersigned Amy Mays,  
Official Court Reporter for the 26th  
Judicial District of the State of  
Tennessee, do hereby certify that the  
foregoing is a true, accurate and  
complete transcript, to the best of my  
knowledge and ability, of the requested  
proceedings had in the captioned cause,  
in the Criminal Court for Madison  
County, Tennessee, on the 3rd day of  
February, 1997.

I do further certify that I am  
neither of kin, counsel nor interest to  
any party hereto.

  
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AMY MAYS

  
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DATE